
STATUTORY INSTRUMENTS

2022 No. 1102

**The Energy Bills Support Scheme and Energy Price
Guarantee Pass-through Requirement (England
and Wales and Scotland) Regulations 2022**

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Energy Bills Support Scheme and Energy Price Guarantee Pass-through Requirement (England and Wales and Scotland) Regulations 2022 and come into force on 1st November 2022.

(2) These Regulations extend to England and Wales, and Scotland.

Interpretation

2.—(1) In these Regulations—

“EBSS” means the Energy Bills Support Scheme;

“EBSS Direction” means the Direction dated 22 September 2022⁽¹⁾ made by the Secretary of State for Business, Energy and Industrial Strategy pursuant to sections 7(3)(a) and 107 of the Electricity Act 1989⁽²⁾ and standard licence condition 25E of each EBSS domestic electricity supplier’s electricity supply licence;

“EBSS domestic electricity supplier” means a “domestic electricity supplier” as defined in the EBSS Direction;

“EBSS eligible customer” means an “eligible customer” as defined in the EBSS Direction;

“EBSS scheme benefit” means an EBSS support payment made by an EBSS domestic electricity supplier to an EBSS eligible customer pursuant to the EBSS Direction, where the amount of the EBSS scheme benefit is the amount of the EBSS specified by the EBSS domestic electricity supplier on the EBSS eligible customer’s bill or statement of account⁽³⁾ or otherwise notified to it in writing pursuant to paragraph 11 of the EBSS Direction;

“EBSS scheme month” means a “scheme month” as defined in the EBSS Direction;

“EBSS support payment” means a support payment which an EBSS domestic electricity supplier is required to provide each EBSS scheme month pursuant to the EBSS Direction and standard licence condition 25E of such supplier’s electricity supply licence;

(1) A hard copy of the Direction can be obtained from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET. For an electronic copy, see www.gov.uk/government/publications/energy-bills-support-scheme-ministerial-direction.

(2) 1989 c. 29. Section 7(3) was amended by section 32(1) and (4)(b) of the Utilities Act 2000 (c. 27).

(3) As such terms are used in s.11 of the EBSS Direction.

“electricity supply licence” means a licence to supply electricity pursuant to section 6(1)(d) of the Electricity Act 1989⁽⁴⁾;

“EPG” means the Energy Price Guarantee as set out in one or both, as the context requires, of the Energy Price Guarantee for Domestic Electricity Consumers in Great Britain or the Energy Price Guarantee for Domestic Gas Consumers in Great Britain as set out in the EPG scheme documents;

“EPG consumer” means a “Consumer” as defined in each of the EPG scheme documents;

“EPG scheme benefit” means an EPG tariff reduction where the amount of the scheme benefit for each relevant intermediary in its capacity as an EPG consumer for an EPG tariff period is the EPG tariff reduction multiplied by the quantity of energy made available to that relevant intermediary in respect of itself and its end users⁽⁵⁾;

“EPG scheme documents” means one or both, as the context requires, of the September 2022 Energy Price Guarantee for Domestic Electricity Consumers in Great Britain Scheme Document and the September 2022 Energy Price Guarantee for Domestic Gas Consumers in Great Britain Scheme Document each as modified from time to time⁽⁶⁾;

“EPG tariff period” means a “Tariff Period” as defined in each of the EPG scheme documents;

“EPG tariff reduction” means a “Tariff Reduction” as defined in each of the EPG scheme documents;

“excluded person” means a person engaged in either or both of the provision of accommodation within the meaning of standard industrial classification divisions 55.1, 55.2, 55.3 (except persons providing mobile homes on protected sites as defined in the Mobile Homes Act 1983⁽⁷⁾) and 55.9 (except persons providing student residences, school dormitories, workers hostels and rooming and boarding houses) and the provision of energy⁽⁸⁾ to such accommodation;

“pass-through” means the act of a relevant intermediary of passing through all or part of a scheme benefit to an end user;

“pass-through amount” means an amount, being all or part of a scheme benefit, which is passed through to an end user by a relevant intermediary pursuant to these Regulations;

“period” means in relation to—

- (a) an EBSS scheme benefit, an EBSS scheme month;
- (b) an EPG scheme benefit, an EPG tariff period; or
- (c) a pass-through amount, the period in connection with which such pass-through was effected;

“relevant intermediary” means a person to whom a scheme benefit has been provided in circumstances in which there is one or more end user other than the relevant intermediary except where that person is an excluded person and for the purpose of regulation 3, relevant intermediary includes a person who will have entitlement to have a scheme benefit provided to it but to whom it has not yet been so provided;

“scheme benefit means”—

- (a) an EBSS scheme benefit, including that provided in respect of a period before these Regulations came into force;

⁽⁴⁾ Section 6(1)(d) was amended by [S.I. 2012/2400](#).

⁽⁵⁾ “End user” is defined in s.19(3) of the Energy Prices Act 2022.

⁽⁶⁾ A hard copy of the Scheme Documents can be obtained from the Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London, SW1H 0ET.

⁽⁷⁾ [1983 c. 34](#). Section 5 was amended by sections 318 and 321(1) of, and Schedule 16 to, the Housing and Regeneration Act 2008 (c. 17).

⁽⁸⁾ “Energy” is defined in section 28(4) of the Energy Prices Act 2022.

- (b) an EPG scheme benefit, including that provided in respect of a period before these Regulations came into force; or
- (c) where the end user is also a relevant intermediary, a pass-through made by virtue of these Regulations where the amount of the scheme benefit is the pass-through amount provided to the end user concerned (as intermediary),

and the amount of the scheme benefit may be an amount in pounds sterling or in pounds sterling per kw/h of energy;

“standard industrial classification” means the Office for National Statistics’ “UK Standard Industrial Classification of Economic Activities 2007 (SIC 2007)”⁽⁹⁾;

“standard licence condition” means a condition of the standard conditions of electricity supply licences incorporated by virtue of section 8A(1) of the Electricity Act 1989⁽¹⁰⁾ in electricity supply licences granted or treated as granted under section 6(1)(d) of that Act;

“usage” means the quantity of energy made available by a relevant intermediary to an end user, that quantity of energy having been supplied to the relevant intermediary, leading to a scheme benefit being provided to the relevant intermediary.

⁽⁹⁾ Published by the Office of National Statistics. For information on how to obtain a hard copy, contact the Office for National Statistics, Classifications and Harmonisation Unit, Government Buildings, Cardiff Road, Newport, South Wales, NP10 8XG. For an electronic copy, see <https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities/uksic2007>.

⁽¹⁰⁾ Section 8A was inserted by section 33 of the Utilities Act 2000 (c. 27).